

Sub-Chapter II

LAND USE SUBDISTRICTS

10.21 DEVELOPMENT SUBDISTRICTS

Pursuant to the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

A. COMMERCIAL INDUSTRIAL DEVELOPMENT SUBDISTRICT (D-CI)

1. Purpose

The purpose of the D-CI subdistrict is to allow for commercial, industrial and other development that is not compatible with residential uses. Designation of commercial, industrial and other similar areas of intensive development as D-CI subdistricts will ensure that other land values and community standards are not adversely affected, and will provide for the location and continued functioning of important commercial and industrial facilities.

2. Description

The D-CI subdistrict shall include:

- a. Areas having existing commercial, industrial or other buildings, structures or uses, that are incompatible with residential uses, including the following:
 - (1) Areas of 2 or more acres devoted to intensive, commercial and/or industrial buildings, structures or uses; except that saw mills and chipping mills and structures devoted to composting of septage, sludge or other residuals affecting an area of 5 acres or less in size shall not be included in this subdistrict unless such areas are part of a larger pattern of development which otherwise meets the criteria for D-CI zoning;
 - (2) Areas of 2 or more acres devoted to the commercial extraction of minerals including, but not limited to, borrow pits for sand, fill or gravel, peat extraction and the mining of metals and rock;
 - (3) Areas of 2 or more acres devoted to refuse disposal including, but not limited to, dumps and sanitary land fill operations;
 - (4) Areas used for aircraft landing and takeoff and the storage and maintenance of aircraft;
 - (5) Areas of 2 or more acres used for the storage of junk, oil products, or industrial or commercial materials or inventory;
 - (6) Areas of 2 or more acres devoted to buildings, structures or uses similar to those listed in Section 10.21,A,2,a,(1) through (5) that are incompatible with residential uses; and
 - (7) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet provided the uses thereof are incompatible with residential uses.

The designated D-CI subdistrict boundary shall include all those areas described in Section 10.21,A,2,a,(1) through (7) above, as well as adjoining areas directly related to, and necessary for, the conduct of those activities.

- b. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto. Where such an area is not adjacent to a D-CI subdistrict and redistricted for the purpose of allowing for commercial mineral extraction, once such operations are complete the D-CI subdistrict designation shall automatically revert to the prior subdistrict designation.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-CI subdistricts.

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing but not including hunting and trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-CI subdistricts subject to the applicable requirements set forth in Sub-Chapter III.

- (1) Agricultural management activities;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Filling and grading;
- (4) Level A mineral exploration activities, excluding associated access ways;
- (5) Level A road projects;
- (6) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (7) Private and commercial hand-carry launches;

- (8) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (9) Signs; and
- (10) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-CI subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of certain lakes, subject to the applicable requirements of Section 10.21,A,3,f and g below:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Any commercial and industrial uses and subdivisions for uses permitted in this subdistrict;
- (4) Commercial sporting camps;
- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways;
- (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining or altering the water table or water level for other than mineral extraction;
- (8) Land application of septage, sludge and other residuals, and related storage and composting activities and structures;
- (9) Land management roads;
- (10) Level B and C road projects, except for water crossings as provided for in Section 10.21,A,3,b;
- (11) Level B mineral exploration activities;
- (12) Mineral extraction including the use of mineral processing equipment and associated structural development;
- (13) Peat extraction, including the use of any related processing equipment;
- (14) Shoreland alterations, excluding water crossings of minor flowing waters, trailered ramps and hand-carry launches;
- (15) Signs which are not in conformance with the standards of Section 10.27,J;
- (16) Solid waste disposal;
- (17) Timber harvesting;
- (18) Trailered ramps and hand-carry launches addressed in Section 10.21,A,3,b which are not in conformance with the standards of Section 10.27,L, private and commercial trailered ramps, and water-access ways;
- (19) Utility facilities, excluding service drops;
- (20) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (21) Water impoundments;

- (22) Other structures, uses or services that are essential to the uses listed in Section 10.21,A,3,a through c; and
- (23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-CI subdistricts.

e. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

f. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to proposed subdivisions and commercial and industrial structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's land ownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

g. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

B. EXTENDED SETTLEMENT DEVELOPMENT SUBDISTRICT (D-ES)

1. Purpose

The purpose of the D-ES subdistrict is to separate those land uses that create impacts incompatible with residential areas and community centers, as well as provide for appropriate areas to concentrate development at the edge of rural growth centers designated as development subdistricts. Concentrated development seeks to avoid the visual and fiscal impacts of sprawl.

2. Description

This subdistrict is designed to accommodate a wide range of commercial, light manufacturing, and public uses that create impacts incompatible with other smaller scale commercial, public, and residential uses. This subdistrict allows facilities that generate traffic or noise such as transfer stations, gasoline stations, warehouses, self storage, and contracting businesses. The subdistrict is not designed to accommodate general retail establishments better located in a community center or rural settlement; or to facilitate strip development along highways.

This subdistrict will only be applied in areas appropriate to accommodate this type of development in a community after a prospective planning process has been undertaken. Appropriate areas will be adjacent to other development subdistricts, particularly D-GN2 subdistricts. Adjacent is interpreted to mean within a distance of one road mile. The D-ES subdistrict will not be located in remote or lightly settled areas or separately from established or proposed development centers.

Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-ES subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-ES subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Minor home occupations;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (5) Non-permanent docking or mooring structures;
- (6) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
- (7) Surveying and other resource analysis;
- (8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (9) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-ES subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial and private hand-carry launches;
- (3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Level A road projects;
- (8) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (9) Public trailered ramps and public hand-carry launches;
- (10) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (11) Signs; and
- (12) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-ES subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,B,3,g and h below:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Commercial and light manufacturing facilities up to 20,000 square feet of gross floor area. Allowed uses include:
 - Businesses that relate to forestry or farming;
 - Light manufacturing and assembly plants;
 - Contracting businesses;
 - Automobile service and repair;
 - Self storage facilities;
 - Fuel storage;
 - Warehouses; and
 - Sand and salt storage facilities;
- (4) Commercial boarding kennels, animal hospitals, and animal rescue facilities;

- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining or altering the water table or water level for other than mineral extraction;
- (8) Land management roads;
- (9) Level 1 subdivisions for commercial and light manufacturing uses;
- (10) Level B and C road projects, except for water crossings as provided for in Section 10.21,B,3,b;
- (11) Level B mineral exploration activities;
- (12) Mineral extraction including mineral extraction processing equipment;
- (13) Peat extraction including the use of any related processing equipment;
- (14) Public and institutional: fire stations, solid waste transfer or recycling stations, public works facilities, sand and salt storage, and other like facilities;
- (15) Public trailered ramps and all hand-carry launches which are not in conformance with the standards of Section 10.27,L;
- (16) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (17) Signs which are not in conformance with the standards of Section 10.27,J;
- (18) Timber harvesting;
- (19) Utility facilities compatible with residential uses, other than service drops;
- (20) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (21) Water impoundments;
- (22) Other structures, uses or services that are essential to the uses listed in Section 10.21,B,3,a,b,and c; and
- (23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-ES subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from other uses or in the case of residential uses, will not adversely affect permitted commercial uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Adult entertainment facilities.
- (2) Automobile or equipment sales with more than 10,000 square feet of outdoor display area; and
- (3) Junkyards and automobile grave yards;
- (4) Major home occupations;
- (5) Residential: Single and two-family dwelling units;
- (6) Retail sale of gasoline with more than 2 pumps;

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (7) Commercial and private trailered ramps, marinas, permanent docking facilities, and water-access ways.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception shall be prohibited in a D-ES subdistrict.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) Require applicants to indicate future plans for other undeveloped shorelands in their ownership when a subdivision or other non-residential use is proposed. The plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's land ownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

These future plans shall be considered part of the proposal. Therefore, changes in such plans, for example a development proposal that was not originally included, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) Require cluster developments for all subdivisions that shall meet the requirements of Section 10.25,R.

h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

C. GENERAL DEVELOPMENT SUBDISTRICT (D-GN)

1. Purpose

The purpose of the D-GN subdistrict is to recognize existing patterns of development in appropriate areas and to encourage further patterns of compatible development therein and adjacent thereto. It is the Commission's intent to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of such development upon incompatible uses and upon public services and facilities. Thus the Commission's purpose is to encourage the general concentration of new development, and thereby avoid the fiscal and visual costs of sprawl, and to provide a continuing sense of community in settled areas.

2. Description

The D-GN subdistrict shall include:

- a. Areas with the following patterns of existing intensive development use:
 - (1) Areas where 4 or more principal buildings exist within a 500 foot radius provided that one or more of such buildings is other than a single family detached dwelling unit; and all such buildings are compatible with such residential units; or
 - (2) Recorded and legally existing subdivisions, other than for exclusively single family detached residential purposes, having 4 or more lots; or
 - (3) Areas of 2 acres or more devoted to intensive non-residential development, other than that land devoted to forest and agricultural management activities, provided that such uses are compatible with residential uses. Such areas shall include but not be limited to:
 - (a) Existing intensive development used for recreational purposes;
 - (b) Existing commercial sporting camps or campgrounds;
 - (c) Existing motels, hotels and development accessory thereto;
 - (d) Existing groups of stores and restaurants including related parking and landscaped areas; or
 - (4) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet, provided the uses thereof are compatible with residential uses.

The designated D-GN subdistrict boundaries shall include all buildings, paved surfaces, and areas directly related to, and necessary for, the conduct of those activities associated with the above described principal buildings, as well as other intervening areas between such buildings, paved surfaces, and areas.

- b. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-GN subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-GN subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches except on Management Class 1 and 2 lakes;
- (3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Level A road projects;
- (8) Minor home occupations;
- (9) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (10) Public trailered ramps and public hand-carry launches except on Management Class 1 and 2 lakes;

- (11) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (12) Signs; and
- (13) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,C,3,g and h below:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (4) Commercial and Industrial: Facilities having not more than 2,500 square feet of gross floor area including facilities offering food and beverages prepared on the premises, retail stores and services, and laundromats but excluding auto service stations or repair garages and uses which may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with residential uses; and subdivisions for uses permitted in this subdistrict;
- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (8) Land management roads;
- (9) Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b;
- (10) Level B mineral exploration activities;
- (11) Major home occupations;
- (12) Public and institutional: Places of worship and other religious institutions; public, private and parochial schools, public and other institutional buildings such as, but not limited to, libraries, fire stations, post offices, and day nurseries;
- (13) Public or private recreation facilities including, but not limited to, campgrounds, parks, playgrounds, golf courses, commercial sporting camps, and campsites;
- (14) Residential: Single family dwellings, two-family dwellings, multi-family dwellings, and residential subdivisions;
- (15) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;

- (16) Signs which are not in conformance with the standards of Section 10.24,J;
- (17) Timber harvesting;
- (18) Trailered ramps and hand-carry launches addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L and private hand-carry launches;
- (19) Utility facilities compatible with residential uses, other than service drops;
- (20) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (21) Water impoundments;
- (22) Other structures, uses or services that are essential to the uses listed in Section 10.21,C,3,a through c; and
- (23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Auto service stations or repair garages;
- (2) Light industrial uses and other commercial uses having a gross floor area of more than 2,500 square feet;
- (3) Stores, commercial recreational uses, and entertainment or eating establishments having a gross floor area of more than 2,500 square feet.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) Public trailered ramps and commercial and public hand-carry launches on Management Class 1 and 2 lakes, commercial and private trailered ramps, marinas, permanent docking facilities, and water-access ways.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-GN subdistrict.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial, industrial, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

D. COMMUNITY CENTER DEVELOPMENT SUBDISTRICT (D-GN2)

1. Purpose

The purpose of the D-GN2 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up community centers. It is designed to concentrate development in order to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.

2. Description

Community centers are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN subdistrict but provides for a wider range of appropriate uses and increased size thresholds for general commercial uses. This wider range of uses is permitted because additional development standards for uses in this subdistrict ensure that adjacent uses are compatibly developed and undertaken.

This subdistrict will be applied only in communities in the fringe of the Commission's jurisdiction as defined in the Comprehensive Land Use Plan, and in areas appropriate as centers of growth after a prospective planning process has been undertaken by the Commission.

Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.

3. Land Use Standards

The provisions of the D-GN2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-GN2 subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-GN2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;
- (3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Level A road projects;
- (8) Minor home occupations;
- (9) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (10) Public trailered ramps and commercial and public hand-carry launches;
- (11) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (12) Signs; and
- (13) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-GN2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,D,3,g and h below:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (4) Commercial facilities having not more than 4,000 square feet of gross floor area, or as provided in Section 10.21,D,3,i that are compatible with residential uses including:
 - Facilities for commercial recreation, such as guide services; lodging, or lodging and eating establishments such as bed and breakfasts; housekeeping cabins; and inns, motels, and hotels;

- Facilities offering food and beverages prepared on the premises;
 - Retail stores and services, laundromats, convenience stores, or retail gasoline stations with no more than 2 gas pumps where each pump can serve no more than 2 vehicles simultaneously;
 - Professional offices, financial institutions, health care facilities, nursing homes children's day care facilities, home child day care providers serving more than 12 children, and home adult day service providers serving more than 12 adults;
 - Art studios or artisan shops; and
 - Commercial uses associated with a residence, other than home occupations;
- (5) Community living facilities;
 - (6) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
 - (7) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
 - (8) Filling and grading, which is not in conformance of standards in Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
 - (9) Land management roads;
 - (10) Level B and C road projects, except for water crossings as provided for in Section 10.21,D,3,b;
 - (11) Level B mineral exploration activities;
 - (12) Major home occupations;
 - (13) Public and institutional: Places of worship and other religious institutions; public, private and parochial day schools; non-profit children's day care or adult day service facilities; libraries; fire stations; post offices; community centers; parks; and playgrounds;
 - (14) Public or private golf courses;
 - (15) Public trailered ramps and commercial and public hand-carry launches which are not in conformance with the standards of Section 10.27,L and private hand-carry launches;
 - (16) Residential: Single and two-family dwellings, three to six multi-family dwellings; and residential level 1 subdivisions;
 - (17) Shoreland alterations, excluding marinas, permanent docking facilities water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
 - (18) Signs which are not in conformance with the standards of Section 10.27,J;
 - (19) Subdivisions for commercial uses, provided that the subdivision is integrated with the community center and designed to promote pedestrian access;
 - (20) Timber harvesting;
 - (21) Utility facilities compatible with residential uses, other than service drops;
 - (22) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
 - (23) Water impoundments;
 - (24) Other structures, uses or services that are essential to the uses listed in Section 10.21,D,3,a through c; and
 - (25) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-GN2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial uses between 4,000 and 8,000 square feet in size, except as provided in Section 10.21,D,3,i;
- (2) Commercial uses with no more than 10,000 square feet of outdoor display area; and
- (3) Multi-family dwellings with more than 6 units.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) Commercial and private trailered ramps, marinas, and permanent docking facilities, and water-access ways.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception shall be prohibited in a D-GN2 subdistrict.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) Require applicants to indicate future plans for other undeveloped shorelands in their ownership when a subdivision or other non-residential use is proposed. The plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

These future plans shall be considered part of the proposal. Therefore, changes in such plans, for example a development proposal that was not originally included, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) Require cluster developments for all subdivisions that shall meet the requirements of Section 10.25,R.

h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

i. Adaptive Reuse of Legally Existing Structures.

Facilities allowed under Section 10.21,D,3,c and d may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,D,3,c and d may not be expanded.

E. RURAL SETTLEMENT DEVELOPMENT SUBDISTRICT (D-GN3)

1. Purpose

The purpose of the D-GN3 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up a settlement area in remote or interior areas of the jurisdiction. It is designed to concentrate and control the rate of growth by prohibiting subdivision. This subdistrict seeks to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in lightly settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.

2. Description

Rural settlements are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN2 subdistrict but allows uses of an appropriately smaller size and intensity, also subject to specific development standards. It is also different from the D-GN2 subdistrict as it prohibits subdivisions in order to maintain the remote and small-scale feel of these development nodes. Gradual lot creation is allowed via the existing exemptions in the Commission's statute and these rules and regulations.

The D-GN3 subdistrict shall be applied only in areas appropriate as centers of development in lightly settled and remote communities after a prospective planning process has been undertaken by the Commission.

Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-GN3 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-GN3 subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Non-permanent docking or mooring structures;
- (4) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
- (5) Surveying and other resource analysis;
- (6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-GN3 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;
- (3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Forest management activities, provided that the buffering requirements in Section 10.25,B,2 are met;
- (7) Level A mineral exploration activities, excluding associated access ways;
- (8) Level A road projects;
- (9) Minor home occupations;
- (10) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (11) Public trailered ramps and commercial and public hand-carry launches;
- (12) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipeline extensions which do not meet the definition of service drops shall require a permit;
- (13) Signs; and
- (14) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-GN3 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,E,3,g below:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (4) Commercial recreational facilities having not more than 8,000 square feet of gross floor area, such as guide services; lodging, or lodging and eating establishments such as bed and breakfasts; housekeeping cabins; inns, motels, and hotels; commercial sporting camps; and campgrounds;
- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;

- (6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F, and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (8) General commercial facilities having not more than 2,500 square feet of gross floor area that are compatible with residential uses including:
 - Businesses related to forestry, farming, or natural resource extraction;
 - Facilities offering food and beverages prepared on the premises;
 - Retail stores and services, laundromats, convenience stores, or retailing of gasoline with no more than 2 gas pumps where each pump can serve no more than 2 vehicles simultaneously;
 - Professional offices, financial institutions, health care facilities, nursing homes, and children's day care facilities, home child day care providers serving more than 12 children, and home adult day service providers serving more than 12 adults;
 - Art studios or artisan shops; and
 - Commercial uses associated with a residence, other than home occupations;
- (9) Level B and C road projects, except for water crossings as provided for in Section 10.21,E,3,b;
- (10) Level B mineral exploration activities;
- (11) Major home occupations;
- (12) Public and institutional: Places of worship and other religious institutions; public, private and parochial day schools; non-profit children's day care and adult day service facilities; libraries; fire stations; post offices; solid waste transfer or recycling stations; community centers; parks; and playgrounds;
- (13) Public trailered ramps and commercial and public hand-carry launches which are not in conformance with the standards of Section 10.27,L and private hand-carry launches;
- (14) Residential: Single and two-family dwellings;
- (15) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (16) Signs which are not in conformance with the standards of Section 10.27,J;
- (17) Utility facilities compatible with residential uses, other than service drops;
- (18) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (19) Water impoundments;
- (20) Other structures, uses or services that are essential to the uses listed in Section 10.21,E,3,a through c; and
- (21) Other structures, uses, or services that the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-GN3 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial facilities with less than 5,000 square feet of outdoor display area;
- (2) Commercial sporting camps up to 15,000 square feet of gross floor area;
- (3) Commercial uses with less than 2,500 square feet of gross floor area, other than those provided for in Section 10.21,E,3,c,(8);

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site that is both suitable to the proposed use and reasonably available to the applicant:

- (4) Commercial and private trailered ramps, marinas, and permanent docking facilities and water-access ways.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception shall be prohibited in a D-GN3 subdistrict.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) Require applicants to indicate future plans for other undeveloped shorelands in their ownership when a non-residential use is proposed. The plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

These future plans shall be considered part of the proposal. Therefore, changes in such plans, for example a development proposal that was not originally included, will require approval of an application to amend the original proposal in which these future plans were indicated.

h. Adaptive Reuse of Legally Existing Structures.

Facilities allowed under Section 10.21,E,3,c and d may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,E,3,c and d may not be expanded.

F. MARITIME DEVELOPMENT SUBDISTRICT (D-MT)

1. Purpose

The purpose of the D-MT subdistrict is to reserve a reasonable portion of the waterfront in coastal plantations and townships for water-dependent uses. The intention is to protect commercial water dependent uses, particularly commercial fishing activities, from other competing but incompatible use; to conserve points of public access to coastal waters; and to give preference in identified areas to commercial water-dependent uses over recreational and residential uses.

2. Description

- a. D-MT1: Areas above the normal high water mark of tidal waters in which the existing pattern of development is predominately commercial fishing activities and conforms with the specified purposes and allowed uses for this subdistrict and where there is a demonstrated need for this subdistrict.

Other areas which the Commission determines:

- (1) meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof,
- (2) are proposed for development which is consistent with the purposes of this subdistrict,
- (3) are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto, with particular consideration given to:
 - (a) shelter from prevailing winds and waves,
 - (b) upland slopes within 250 feet of the normal high water mark, measured as a horizontal distance, which are not so steep as to make access to the water impracticable,
 - (c) adequate mean low water depth for boat movement and mooring within 150 feet of the shore measured as a horizontal distance, and
 - (d) historical use of the area for commercial fishing activities.

- b. D-MT2: Areas above the normal high water mark of tidal waters in which the existing pattern of development is predominately water-dependent activities and conforms with the specified purposes and allowed uses for this subdistrict and where there is a demonstrated need for this subdistrict.

Other areas which the Commission determines:

- (1) meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof,
- (2) are proposed for development which is consistent with the purposes of this subdistrict,
- (3) are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto, with particular consideration given to:

- (a) shelter from prevailing winds and waves,
- (b) upland slopes within 250 feet of the normal high water mark, measured as a horizontal distance, which are not so steep as to make access to the water impracticable,
- (c) adequate mean low water depth for boat movement and mooring within 150 feet of the shore measured as a horizontal distance, and
- (d) historical use of the area for water-dependent activities.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within the D-MT subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic on roads;
- (3) Non-permanent docking or mooring structures;
- (4) Primitive recreational uses;
- (5) Surveying and other resource analysis; and
- (6) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within the D-MT subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Filling and grading;
- (2) Private and commercial hand-carry launches;
- (3) Public trailered ramps and public, private and commercial hand-carry launches.
- (4) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit; and
- (5) Signs.

c. Uses Requiring a Permit

The following uses may be allowed within D-MT subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Commercial fishing activities, except as provided for in Section 10.21,F,3,d below;
- (2) Driveways;
- (3) Ferry service facilities;
- (4) Filling and grading, except as provided in Section 10.21,F,3,b and draining, dredging and alteration of the water table or water level;
- (5) Permanent docking facilities, water-access ways, and mooring structures;

- (6) Retail sales of shellfish and/or finfish, solely ancillary to a permitted use such as a finfish or shellfish buying or off-loading stations and under the same ownership as the permitted use;
- (7) Signs which are not in conformance with the standards of Section 10.27,J;
- (8) Trailered ramps and hand-carry launches addressed in Section 10.21,F,3,b which are not in conformance with the standards of Section 10.27,L and commercial and private trailered ramps;
- (9) Utility substation, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar public utility structures which do not meet the definitions of Section 10.21,F,3,b,(4);
- (10) Water-dependent uses, except as provided for in Section 10.21,F,3,d below;
- (11) Other structures, uses or services that are essential to the uses permitted; and
- (12) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-MT subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the proposed use will not unreasonably obstruct navigation channels or unreasonably preclude boating support facilities elsewhere in the harbor; and (b) the proposed use is designed and located, to the extent feasible, so that it does not significantly interfere with the needs of the local fishing industry; and (c) the proposed use, if not a water-dependent use: (i) will not replace an existing water-dependent use; and (ii) will not substantially reduce existing public access to marine or tidal waters.

(1) Commercial

The following commercial uses shall be permitted as special exceptions in the D-MT2 subdistricts:

- (a) On-premise restaurants, retail and service establishments provided they are accessory to ferry service facilities;
- (b) Restaurants, occupying not more than 900 square feet of floor area, provided that such establishments cater primarily to persons directly associated with other permitted uses in this district; and
- (c) Retail sales of packaged or bulk foods, toiletries, hardware and other daily necessities as an ancillary business to a permitted use.

(2) Industrial

The following industrial use shall be permitted as a special exception in both the D-MT1 and D-MT2 subdistricts:

- (a) Facilities for combined marine and general construction provided that the primary use of the site is for the marine segment of the contractor's business.

(3) Marine

The following marine uses shall be permitted as special exceptions in both the D-MT1 and D-MT2 subdistricts:

- (a) Fabrication of marine related goods, including fishboat equipment, provided that a location on the water is essential for their production; and
- (b) Fish by-products processing.

The following marine uses shall be permitted as special exceptions in the D-MT2 subdistrict:

- (c) Harbor and marine supplies and services, such as ship chandler, provided that sales are primarily for purpose of serving water-dependent uses or that the applicant can demonstrate that the business is essential to water dependent uses;
- (d) Excursion services which do not displace existing water dependent uses, or occupy docking and berthing space which had been actively and substantially used by commercial fishing boats and vessels within the preceding twelve (12) month period; and which do not sell any product except for the excursion service; and which provide for all parking space outside of this zone or district; and
- (e) Publicly owned wharves for general public access to the shore, provided that the facility or facilities do not unreasonably interfere with permitted commercial fishing uses and which provide for all parking space outside of this zone or district.

(4) Residential

The following residential use shall be permitted as a special exception in the D-MT2 subdistrict:

- (a) Single family detached dwelling units, home occupations, and transient accommodations of less than six (6) units per principal building.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in a D-MT subdistrict including without limitation the conversion of existing structures which are currently used for commercial fishing activities to any noncommercial fishing activities for use, including but not limited to residential or recreational uses.

G. PLANNED DEVELOPMENT SUBDISTRICT (D-PD)

1. Purpose

The purpose of the D-PD subdistrict is to allow for large scale, well-planned developments. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location which is available at the proposed site. A permit will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served. Where a D-PD subdistrict petition is granted, it shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

The D-PD subdistricting process is designed to encourage creative and imaginative design and site planning, to promote efficient use of the land, and to afford the applicant reasonable guidance in formulating an acceptable development proposal.

2. Description

Areas separated from existing development patterns, proposed for residential, recreational, commercial or industrial use or some combination of those uses, for which a comprehensive development plan (which treats the entire parcel as an entity) has been submitted to, and reviewed and approved by the Commission.

- a. A D-PD subdistrict proposed for predominantly residential and/or recreational land uses shall contain a minimum of 30,000 square feet of building floor area and shall include at least 150 contiguous acres. (A predominance of uses shall exist when the majority of the gross building floor area is devoted to such uses.)
- b. A D-PD subdistrict proposed for predominantly commercial and/or industrial land uses shall include at least 50 contiguous acres and, except wind energy generation facilities, shall contain a minimum of 30,000 square feet of gross building floor area.
- c. A D-PD subdistrict proposed for metallic mineral mining activities or Level C mineral exploration activities and shall include at least 50 contiguous acres.

In any of the above cases, no development, other than access roads and utility lines shall be less than 400 feet from any property line. (This dimension may be increased or decreased, at the Commission's discretion, provided good cause can be shown.) Furthermore, the project shall be reasonably self-contained and self-sufficient and to the extent practicable provide for its own water and sewage services, road maintenance, fire protection, solid waste disposal and police security.

3. Permitted Uses

All uses approved in the Final Development Plan shall be permitted. For metallic mineral mining activities and Level C mineral exploration activities, all uses within the D-PD subdistrict require a permit in accordance with this chapter and Chapter 13 of Commission's rules. No other use shall be permitted except where the Commission determines that such additional use is consistent with such Plan and with the purposes hereof.

4. Ownership

An application for the creation of a D-PD subdistrict may be filed only by the owner or lessee of all lands to which the application pertains.

5. Burden of Proof

The burden of proof is upon the applicant to show by substantial evidence that his proposal satisfies the criteria established for the creation of D-PD subdistrict.

6. Procedure

The procedures set forth below and those set forth in Section 10.21,G,7 through 10 apply to all developments except those related to metallic mineral mining and Level C mineral exploration activities. Those activities are governed by the procedures set forth in Chapters 12 and 13 of the Commission's rules.

The Planned Development review procedure shall consist of three stages:

- (1) Preapplication Conference;
- (2) Submission of Preliminary Development Plan; and
- (3) Submission of Final Development Plan.

The Preapplication Conference serves to inform the prospective applicant, prior to formal application, of the proposed plan's filing requirements. Formal application is made by submitting a Preliminary Development Plan that meets the requirements specified herein. No decision thereon can be made until a Public Hearing is held. Thereafter, the Commission may approve or deny the petition. An approval will permit a subdistrict amendment to a D-PD subdistrict and will include a preliminary development permit that specifies under what conditions, if any, the Commission will accept the Preliminary Development Plan proposal as the standard against which the Final Development Plan is judged. No development will be allowed until a Final Development Plan is submitted and approved.

7. Preapplication Conference

A preapplication conference shall be held with the staff of the Commission and representatives from other relevant agencies. At this conference the procedures, regulations, and policies that will govern the D-PD application shall be discussed. The conference shall provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to its filing with the Commission. The conference proceedings shall be summarized in writing and made available to the applicant. The conference shall be held pursuant to the rules established in Chapter 5 of the Commission's Rules and Regulations.

8. Preliminary Development Plan

a. Application

The Preliminary Development Plan shall include: Evidence that the proposal conforms with the Commission's Comprehensive Land Use Plan and the purpose and description of a Planned Development as contained herein; evidence showing that the permit criteria set forth in 12 M.R.S.A. §685-B(4) will be satisfied; and the submission of various written and illustrative documents, as described hereinafter. Prior to any decision relative to such application, the staff shall make known its findings and recommendations, in writing, to the Commission and a public hearing shall be held in accordance with Chapter 5 of the Commission's Rules and Regulations.

The following items are required to be submitted with any Preliminary Development Plan application:

Written Statements

- (1) A legal description of the property boundaries proposed for redistricting, including a statement of present and proposed ownership.
- (2) A statement of the objectives to be achieved by locating the development in its proposed location distant from existing patterns of development. As it is a general policy of the Commission to encourage new development to locate with or adjacent to existing development, the rationale for promoting development away from such locations must be well documented. The statement should describe why the site is considered the best reasonably available for the proposed use(s). The fact that the applicant owns or leases the property shall not, of itself, be sufficient evidence to satisfy this last requirement.
- (3) A reasonably complete development schedule and construction program that indicates when the project and stages thereof will begin and be completed. The schedule is to specify what percentage of the total project is represented by each stage and what buildings, floor areas and land areas are included in each such stage.
- (4) A statement of the applicant's intentions with regard to future selling, leasing or subdividing of all or portions of the project. The statement should describe the type of covenants, restrictions or conditions that are proposed to be imposed upon buyers, lessees or tenants of the property.
- (5) Statements to satisfy the Commission that the project is realistic, and can be financed and completed. Such statements shall demonstrate that the applicant has the financial resources and support to achieve the proposed development and that a sufficient market exists for the goods and/or services the development will provide.
- (6) A statement of the environmental impact of the proposed development which sets forth the reasonably foreseeable adverse effects and measures to be taken by the applicant to minimize such effects.
- (7) A general statement that indicates how the natural resources of the area will be managed and protected so as to reasonably assure that those resources currently designated within protection subdistricts will receive protection that is substantially equivalent to that under the original subdistrict designation.

Maps

- (8) A location map (drawn on a USGS topographic map base or Commission Land Use Guidance Map) that indicates the area for which a D-PD subdistrict designation is sought. This map should show all existing subdistricts.
- (9) A map showing existing site conditions including contours at 10 foot intervals, water courses, unique natural conditions, forest cover, swamps, lakes, ponds, existing buildings, road boundaries, property lines and names of adjoining property owners, scenic locations and other prominent topographical or environmental features.
- (10) A soils map of at least medium intensity that covers those portions of the site where any development is proposed. The description should use the soil group designations utilized in the Subsurface Waste Water Disposal Rules or the USDA Soil Series names.
- (11) A site plan that shows the approximate location and size of all existing and proposed buildings, structures and other improvements, including roads, bridges, beaches, dumps, wells, sewage disposal facilities, storm drainage, cut and fill operations and general landscape planting. The plan should show the approximate proposed lot lines, the location of open spaces, parks, recreational areas, parking areas, service and loading areas and notations of what is proposed to be in common or private ownership.
- (12) A map or description of the approximate type, size and location of proposed utility systems including waste disposal, water supply, and electric and telephone lines. Where a public water supply, and/or a central sewage collection and/or treatment system is proposed, evidence shall be required to show that these facilities will meet applicable governmental requirements and that the soils are suitable for such sewage disposal system.

Where the Preliminary Development Plan involves a staged development and the applicant cannot reasonably make available the maps required pursuant to Section 10.21,G,8,a,(11) covering all future stages of development, he shall submit such maps covering only the initial development stage, together with sketch plans covering all other development stages. Such plans shall describe all proposed land uses, densities, circulation patterns and building locations and are to be in sufficient detail to permit the Commission to determine if the site can support the entire development program, especially in terms of soil suitability, traffic circulation, and water supply and sewage waste disposal.

b. Hearings and Criteria for the Approval of a Preliminary Development Plan

The Commission shall schedule a public hearing within 45 (forty-five) days after a complete Preliminary Development Plan application is filed, unless the applicant requests, in writing that this time be extended.

The public hearing notification and proceedings shall meet the requirements of Chapter 5 of the Commission's Rules and Regulations. Within 90 days after the close of the record of the public hearing, the Commission may approve, approve with conditions, or deny the application in writing. In making this decision, the Commission shall ensure that the proposal:

- (1) Conforms with the objectives and policies of the Comprehensive Land Use Plan and 12 M.R.S.A. §206-A;
- (2) Incorporates, where the land proposed for inclusion in the D-PD subdistrict is in a protection subdistrict, a substantially equivalent level of environmental and resource protection as was afforded under such protection subdistrict;
- (3) Utilizes the best reasonably available site for the proposed use;
- (4) Conserves productive forest and/or farm land;
- (5) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
- (6) Envisions a project that is reasonably self-sufficient in terms of necessary public services;
- (7) Provides for safe and efficient traffic circulation; and
- (8) Utilizes the best practical technology to reduce pollution, waste and energy consumption.

c. **Approval or Denial of Preliminary Development Plan**

- (1) If, after weighing all the evidence, the Commission approves the Preliminary Development Plan application, the D-PD subdistrict shall be designated on the official district map and recorded in accordance with the provisions of Section 10.04. Simultaneously with such approval, a preliminary development permit will be issued. The preliminary development permit may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of the Final Development Plan. The terms of the preliminary development permit will be in writing and shall be deemed to be incorporated in the D-PD subdistrict.
- (2) If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application shall be denied and the reasons for the denial shall be stated in writing.
- (3) Within a maximum of 18 months following a Commission decision to designate an area as a D-PD subdistrict, the applicant shall file a Final Development Plan containing in detailed form the information required in Section 10.21,G,10 below. At its discretion, and for good cause shown, the Commission may extend the deadline for filing of the Final Development Plan.
- (4) If the applicant fails for any reason to apply for final approval by submitting a Final Development Plan within the prescribed time, the D-PD subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

9. Application Fee

The application fee to be submitted with the Preliminary Development Plan shall be the fee specified in Chapter 1, Section 4 of the Commission's rules. No fee shall be required at the Final Development Plan stage.

10. Final Development Plan

a. Application

The final Development Plan application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved preliminary development permit issued.

- (1) An application for final approval may be for all of the land which is the subject of the Preliminary Development Plan or for a section thereof. The application, once deemed complete by the staff, shall be reviewed and acted upon by the Commission within 90 days.
- (2) The Final Development Plan shall include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development. Without limitation of the foregoing, the Final Development Plan submission shall include:
 - (a) Drawings that include all the information required on the site plan under the Preliminary Development Plan [Section 10.21,G,8,a,(11)] plus the dimensions and heights, foundation design, material specifications, and elevations and colors of all buildings and structures. If the plan proposes any subdivision, all boundaries of easements and lots are to be surveyed and plotted.
 - (b) Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Any structures (such as bridges) related to the street system should be shown as scaled engineering plans and sections. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.
 - (c) If individual sewage disposal system are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Department of Human Services form HHE-200 or any amended or replacement version thereof. Where a central sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings shall be required to conform with all applicable governmental requirements.
 - (d) Drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.
 - (e) To the extent reasonably available, copies of the restrictions, covenants, conditions, and/or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the Planned Development.
- (3) The items submitted as part of the Final Development Plan shall comply with the conditions of approval of the Preliminary Development Plan and shall conform with applicable state regulations, including 12 M.R.S.A. §685-B(4). In addition, the Final Development Plan shall conform with progressive site planning standards which permit flexibility and imagination in the layout of different building types.
- (4) A public hearing shall not be held on a Final Development Plan application provided it is in substantial compliance with the Preliminary Development Plan. The burden shall, nevertheless, be on the applicant to show good cause for any variation between the Preliminary Development Plan and the Final Plan submitted for final approval.

b. Approval or Denial of Final Development Plan

Upon accepting a Final Development Plan, the Commission shall issue a permit pursuant to 12 M.R.S.A. §685-B, for the Final Development Plan. Such permit may contain reasonable conditions as the Commission may deem appropriate.

c. Amendments to the Final Development Plan

Minor changes in the location, siting, height, or character of buildings and structures may be authorized by the Director of the Commission if required by engineering or other circumstances not foreseen at the time of Final Development Plan approval. No change shall be so authorized which may cause any of the following:

- (1) The addition of a land use not previously approved in the Preliminary Development Plan;
- (2) A material change in the site, scope or nature of the project;
- (3) A material increase in traffic volume;
- (4) A material reduction in open space, landscaping, or parking; or
- (5) A material change giving rise to adverse environmental impact.

All other amendments to the Final Development Plan proposed by the applicant shall require submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in Section 10.21,G,8,b.

d. Time for Construction

If no substantial development has occurred pursuant to the Final Development Plan by the later of: (a) 24 months after the date of approval or (b) expiration of any extension of time for starting development granted by the Commission, the approved plan shall become null and void and the D-PD subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

H. RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS)

1. Purpose

The purpose of the D-RS subdistrict is to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in and adjacent to existing residentially developed areas.

2. Description

The D-RS subdistrict shall include:

a. Areas with the following existing patterns of intensive residential development:

- (1) Areas where four or more single family dwelling units exist within a 500 foot radius; or
- (2) Recorded and legally existing single family residential subdivisions, including mobile home parks, having 4 or more lots; or
- (3) Areas surrounding those described in Section 10.21,H,2,a,(1) or (2) above which contain neighborhood or associated uses that primarily serve such residences. Such areas may include, without limitation, residential accessory buildings, neighborhood parks and public open spaces, schools, day nurseries, places of worship, cemeteries, but shall not include industrial uses.

The designated D-RS subdistrict boundaries shall include all single family dwelling units and accessory buildings and uses, paved areas and areas directly related to, and necessary for, the conduct of those activities associated with the above described single family dwelling units, as well as other intervening areas between such buildings, paved surfaces and areas. Furthermore, in the case of recorded and legally existing single family residential subdivisions, the D-RS subdistrict boundaries shall encompass the entire subdivision.

b. Areas which the Commission determines both meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-RS subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;

- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-RS subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses;
- (4) Filling and grading;
- (5) Level A mineral exploration activities, excluding associated access ways;
- (6) Level A road projects;
- (7) Minor home occupations;
- (8) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (9) Public trailered ramps and public hand-carry launches except on Management Class 1 and 2 lakes;
- (10) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (11) Signs; and
- (12) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-RS subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,H,3,g and h below:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;

- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Campsites;
- (4) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (7) Filling and grading, which are not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (8) Land management roads;
- (9) Level B and C road projects, except for water crossings as provided for in Section 10.21,H,3,b;
- (10) Level B mineral exploration activities;
- (11) Major home occupations;
- (12) Public and Institutional: Places of worship, public, private and parochial schools, day nurseries, and public parks and recreation areas;
- (13) Residential: Single and two-family dwellings, and subdivisions for uses permitted in this subdistrict;
- (14) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (15) Signs which are not in conformance with the standards of Section 10.27,J;
- (16) Timber harvesting;
- (17) Trailered ramps and hand-carry launches addressed in Section 10.21,H,3,b which are not in conformance with the standards of Section 10.27,L and private and commercial trailered ramps;
- (18) Utility facilities compatible with residential uses other than service drops;
- (19) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (20) Water impoundments;
- (21) Other structures, uses or services that are essential to the uses listed in Section 10.21,H,3,a through c; and
- (22) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-RS subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Public trailered ramps and public hand-carry launches on Management Class 1 and 2 lakes, commercial and private trailered ramps, marinas, permanent docking facilities, and water-access ways; and
- (2) Multi-family dwellings.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-RS subdistricts.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

I. COMMUNITY RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS2)

1. Purpose

The purpose of the D-RS2 subdistrict is to designate residential areas that can accommodate an appropriate range of low-impact commercial and public uses that are compatible with residential uses. This subdistrict seeks to promote residential living and thriving neighborhoods with a limited range of services.

2. Description

The D-RS2 subdistrict shall be located adjacent to a D-GN2 subdistrict in order to limit the fiscal and visual impacts of sprawling development. Adjacent is interpreted as within a distance of one road mile. This subdistrict is similar to the D-RS subdistrict but it allows for commercial development such as bed and breakfasts, health care facilities, and golf courses.

This subdistrict will be applied only in communities located in the fringe of the Commission's jurisdiction as defined in the Comprehensive Land Use Plan, and in areas appropriate as centers of growth after a prospective planning process has been undertaken by the Commission.

The Commission shall, using Section 10.08 of these rules, designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-RS2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-RS2 subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-RS2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;

- (2) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses;
- (4) Filling and grading;
- (5) Level A mineral exploration activities, excluding associated access ways;
- (6) Level A road projects;
- (7) Minor home occupations;
- (8) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (9) Public trailered ramps and public hand-carry launches;
- (10) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (11) Signs; and
- (12) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-RS2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of Management Class 4 and 5 lakes, subject to the applicable requirements of Section 10.21,I,3,g and h below:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Bed and breakfast facilities;
- (4) Campsites;
- (5) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (6) Community living facilities;
- (7) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (8) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (9) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (10) Land management roads;
- (11) Level B and C road projects, except for water crossings as provided for in Section 10.21,I,3,b;
- (12) Level B mineral exploration activities;

- (13) Major home occupations;
- (14) Public and Institutional: Places of worship and other religious institutions; public, private and parochial day schools; non-profit children's day care facilities; local parks and local public recreation areas;
- (15) Public trailered ramps and public hand-carry launches which are not in conformance with the standards of Section 10.27,L and private and commercial trailered ramps;
- (16) Residential: Single and two-family dwellings, and residential level 1 subdivisions;
- (17) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (18) Signs which are not in conformance with the standards of Section 10.27,J;
- (19) Timber harvesting;
- (20) Utility facilities compatible with residential uses other than service drops;
- (21) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (22) Water impoundments;
- (23) Other structures, uses or services that are essential to the uses listed in Section 10.21,I,3,a through c; and
- (24) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-RS2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial and private trailered boat ramps, marinas, permanent docking facilities, and water-access ways;
- (2) Health care facilities up to 4,000 square feet of gross floor area;
- (3) Post offices up to 1,250 square feet of gross floor area;
- (4) Private and public golf courses; and
- (5) Three and 4-unit multi-family dwellings.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-RS2 subdistricts.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:

- (a) area and shoreline length;
- (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
- (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

J. RESIDENTIAL RECREATION DEVELOPMENT SUBDISTRICT (D-RS3)

1. Purpose

The purpose of the D-RS3 subdistrict is to accommodate seasonal and year-round recreational development in high value resource areas without compromising the recreational setting. This subdistrict allows a restricted range of allowed uses in order to ensure attractive residential recreational opportunities.

2. Description

The D-RS3 subdistrict shall be applied only in high natural resource value areas appropriate for residential or closely related uses in a community and shall be applied after a prospective planning process has been undertaken by the Commission. The D-RS3 subdistrict shall be located in areas that are inappropriate for intensive mixed development.

The D-RS3 subdistrict area will be located along or near the shorelines of Management Class 3, 4, 5, or 7 lakes or in other high value natural resource areas designated for growth by the Commission or zoned D-RS before January 1, 2001. The D-RS3 subdistrict will not be located in relatively remote or lightly settled areas of the jurisdiction.

Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-RS3 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-RS3 subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-RS3 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses;
- (4) Filling and grading;
- (5) Level A mineral exploration activities, excluding associated access ways;
- (6) Level A road projects;
- (7) Minor home occupations, provided that any tractor truck, semitrailer or heavy equipment allowed with this use is completely buffered from view from adjacent properties, roads, and water bodies, or is completely enclosed in an accessory structure;
- (8) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (9) Public hand-carry launches;
- (10) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (11) Signs; and
- (12) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-RS3 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of Management Class 4 and 5 lakes, subject to the applicable requirements of Section 10.21,J,3,g and h below:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with standards of Section 10.27,A;
- (3) Campsites;
- (4) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (5) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (6) Filling and grading, which are not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;

- (7) Land management roads;
- (8) Level B and C road projects, except for water crossings as provided for in Section 10.21,J,3,b;
- (9) Level B mineral exploration activities;
- (10) Local public parks and local public recreation areas;
- (11) Public hand-carry launches which are not in conformance with the standards of Section 10.27,L;
- (12) Residential: Single family dwellings, and residential level 1 subdivisions;
- (13) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (14) Signs which are not in conformance with the standards of Section 10.27,J;
- (15) Timber harvesting;
- (16) Utility facilities compatible with residential uses other than service drops;
- (17) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (18) Water impoundments;
- (19) Other structures, uses or services that are essential to the uses listed in Section 10.21,J,3,a through c; and
- (20) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-RS3 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Private trailered ramps, permanent docking facilities, and water-access ways associated with residential level 1 subdivisions.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-RS3 subdistricts.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f

g. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.